

4. These fees incurred prosecuting the Free Speech Claims were inextricably intertwined with the remainder of FFRF's claims against the Defendants in that they arose from the same facts (the censorship of FFRF's Bill of Rights exhibit) and were based on related legal theories (the Defendants' discrimination against FFRF's nontheistic viewpoint).

5. The FBHG fees sought in the Motion are shown in the summary and detailed invoices (with privileged matters redacted) attached hereto as **Exhibits A-1** and **A-2**. As reflected therein, these services included researching and analyzing the legal bases for claims asserted by FFRF; drafting, reviewing and revising pleadings, motions and responses; attending hearings; participating in client and attorney meetings regarding strategy and implications of claims asserted; conducting discovery; research; and preparing the request for fees with which this declaration is being submitted. Care was taken to avoid duplication of efforts with lead counsel, and in our role as local counsel to perform services in a manner which minimized the overall cost to the client for its legal services.

B. NOVELTY AND DIFFICULTY OF THE QUESTIONS PRESENTED/SKILL REQUIRED TO PROPERLY PERFORM LEGAL SERVICES.

6. The legal questions presented related to FFRF's claims are not particularly novel for attorneys with experience in this area, and they were of moderate difficulty. However, the complexity of the case and level of effort necessary to prosecute FFRF's claims was increased by the multiplicity of defenses and dispositive motions pursued by the Defendants. A moderate degree of skill was required, and the requisite skill is reflected in the reasonable billing rates charged by FFRF's attorneys and paralegals.

C. PRECLUSION OF OTHER EMPLOYMENT

7. FFRF's attorneys were not precluded from taking on additional cases due to the pendency of this litigation.

D. THE CUSTOMARY FEE

8. I am familiar with rates charged by attorneys in the Western District of Texas for matters such as this. My billing rate is currently \$575 per hour, and that rate has increased from the \$525 hourly rate that I charged at the inception of this action in 2016. In addition to me, the firm personnel who have primarily provided legal services on this case include my partner, Lessie Gilstrap, whose billing rate is currently \$425 per hour, and my partner Dale L. Roberts whose billing rate for this case was \$335 (\$350 now) per hour. *See Exh. A-2*. In my opinion, these rates and all the rates charged to FFRF by FBHG and by the other attorneys who rendered legal services on behalf of FFRF submitted herewith (which are in the same range as those rates charged by FBHG's attorneys) are reasonable for the services rendered in this matter as compared with fees customarily charged in the Western District of Texas for similar legal services, taking into account the reputation, experience, and skills of the professionals involved.

E. WHETHER THE FEE IS FIXED OR CONTINGENT

9. The fee arrangement between FBHG and FFRF is an hourly fee arrangement.

F. TIME LIMITATIONS IMPOSED BY THE CLIENT

10. The client imposed no particularly difficult time limitations in this case.

G. AMOUNT INVOLVED AND RESULTS OBTAINED

11. FFRF sought and obtained summary judgment against Defendants on its First Amendment Freedom of Speech claim against Governor Abbott and Executive Director Walsh in their official capacities as well as a declaratory judgment that Defendants violated FFRF's First

Amendment rights and engagement in viewpoint discrimination as a matter of law when FFRF's Bill of Rights exhibit was removed from the Texas Capitol Building. In my opinion, the tasks described on **Exhibit A-2** were all reasonable and necessary to obtain that relief.

H. EXPERTISE, REPUTATION AND ABILITY OF ATTORNEYS

12. I have over 37 years of experience litigating matters similar to this in state and federal courts. My law partners Lessie C. Gilstrap and Dale L. Roberts each have over 17 years of state and federal court experience. We all have reputations in the Austin legal community as highly competent litigators.

I. UNDESIRABILITY OF THE CASE

13. This factor is inapplicable as there were no particular considerations rendering this case undesirable.

J. NATURE AND LENGTH OF THE PROFESSIONAL RELATIONSHIP WITH THE CLIENT

14. FFRF has been a client of FBHG since 2016 when it sought counsel in this case.

K. APPLICATION OF THE LODESTAR METHOD

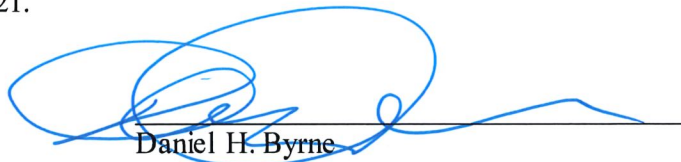
15. The fees requested herein were calculated by multiplying the number of hours spent by each attorney or paralegal performing necessary legal services on behalf of FFRF by each person's standard billing rates, which in my opinion are reasonable in the Western District of Texas, Austin Division. It is my experience that attorneys in this legal community that perform similar work on similar cases have higher, and often significantly higher, billing rates. The requested fees would not have been incurred if it were not for the Defendants' violations of FFRF's Civil Rights.

16. In my opinion, taking into account the relevant factors identified by the Texas Supreme Court and the Fifth Circuit, an award of \$22,976.00 against the Defendants for FBHG's

past attorneys' fees would be equitable in the circumstances and represents a reasonable sum for the services provided (as described in the attached Exhibits).

I, Daniel H. Byrne, do hereby declare under penalty of perjury that the foregoing is true and correct.

SIGNED this 17th day of May, 2021.



Daniel H. Byrne

	A	B	C
1	EXHIBIT A-1		
2			
3	<u>Month Bill Sent</u>	<u>Total Hours</u>	<u>Total Fees</u>
4	March 2016	4.3	\$ 2,030.00
5	April 2016	0.8	\$ 420.00
6	May 2016	7.9	\$ 2,685.00
7	June 2016	2.1	\$ 962.50
8	July 2016	1.8	\$ 1,752.00
9	Jan 2017	0.7	\$ 315.00
10	Feb 2017	1.3	\$ 612.50
11	March 2017	1.1	\$ 577.50
12	May 2017	13.2	\$ 4,923.00
13	June 2017	2.3	\$ 1,207.50
14	Aug 2017	0.4	\$ 150.00
15	Nov 2017	1.3	\$ 682.50
16	March 2018	0.2	\$ 105.00
17	June 2018	0.8	\$ 440.00
18	July 2018	6.7	\$ 2,724.00
19	August 2018	7.3	\$ 2,445.50
20	September 2018	0.2	\$ 79.00
21	October 2020	1.1	\$ 405.00
22	May 2021	0.8	\$ 460.00
23			
24	TOTAL	54.3	\$ 22,976.00

EXHIBIT A-2**Fritz, Byrne, Head & Fitzpatrick, PLLC**

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhf.com

March 15, 2016

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 106478 DHB
 Our file# 062640 00001
 Billing through 02/29/2016

Governor Greg Abbott

rbolton@boardmanclark.com

PROFESSIONAL SERVICES

02/17/16	LGF	Communications with Mr. Bolton;	0.20 hrs	70.00
02/19/16	DHB	Conference with LGF, investigation re: [REDACTED] prepare for and attend status and strategy call with Richard Bolton re: [REDACTED]	0.70 hrs	367.50
02/19/16	LGF	Call with Robert Bolton;	0.50 hrs	175.00
02/22/16	DHB	Initial review of draft complaint, discuss [REDACTED] with LGF;	0.50 hrs	262.50
02/22/16	LGF	Review draft petition;	0.30 hrs	105.00
02/23/16	DHB	Review, revise complaint, civil cover sheet, engagement letter; memo to co-counsel;	0.40 hrs	210.00
02/24/16	DHB	Review final draft of suit papers, pro hac vice motion, other materials; follow up memos;	0.30 hrs	157.50
02/24/16	LGF	Review proposed filings; communications with Mr. Bolton;	0.30 hrs	105.00
02/25/16	DHB	Review, revise, finalize, file complaint; follow up memos with co-counsel;	0.70 hrs	367.50
02/26/16	DHB	Various memos to counsel, third parties re: [REDACTED] memos re: [REDACTED]	0.40 hrs	210.00
				<hr/> \$2,030.00

FEE RECAP

Byrne, Dan	3.00 hrs	525.00 /hr	1,575.00
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062640 Freedom From Religion Foundati

Invoice# 106478 Page 2

Fitzpatrick, Lessie G.	1.30 hrs	350.00 /hr	455.00
TOTAL FEES FOR THIS MATTER			<u>\$2,030.00</u>

EXPENSES

02/29/2016	Fee paid to Direct Results Legal Service re: service of summons and complaint on Governor Gregg Abbott	145.50
		<u>\$145.50</u>

BILLING SUMMARY

Total professional services	\$2,030.00
Total expenses incurred	\$145.50
Total of new charges for this invoice	<u>\$2,175.50</u>
Total balance now due	<u>\$2,175.50</u>

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Fitzpatrick, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhf.com

April 14, 2016

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 106672 DHB
 Our file# 062640 00001
 Billing through 03/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 15, 2016	\$2,175.50
Payments received since last invoice	2,175.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/01/16	DHB	Memo re: [REDACTED]	0.20 hrs	105.00
03/04/16	DHB	Various memos re: [REDACTED]	0.40 hrs	210.00
03/06/16	DHB	Memo to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$420.00</u>

FEE RECAP

Byrne, Dan	0.80 hrs	525.00 /hr	420.00
TOTAL FEES FOR THIS MATTER			<u>\$420.00</u>

EXPENSES

02/25/2016	Filing fee on 02/25/16 (USDC)	400.00
		<u>\$400.00</u>

BILLING SUMMARY

Total professional services	\$420.00
Total expenses incurred	\$400.00

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Invoice# 106672 Page 2

Total of new charges for this invoice

\$820.00

Total balance now due

\$820.00

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Fitzpatrick, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhf.com

May 10, 2016

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 106842 DHB
 Our file# 062640 00001
 Billing through 04/30/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated April 14, 2016	\$820.00
Payments received since last invoice	820.00
Accounts receivable balance carried forward	<hr/> \$0.00

PROFESSIONAL SERVICES

04/01/16	DHB	Initial review, transmittal of MTD;	0.30 hrs	157.50
04/02/16	DHB	Initial review and analysis of MTD;	0.20 hrs	105.00
04/04/16	DHB	Review MTD, memos to counsel re: [REDACTED]	0.40 hrs	210.00
04/04/16	LGF	Review motion to dismiss; correspondence with Richard Bolton regarding [REDACTED]	0.40 hrs	140.00
04/05/16	DHB	Memo to opposing counsel re: [REDACTED] revise, finalize motion to extend; conference with KMH:	0.70 hrs	367.50
04/05/16	KMH	Review federal rules and prepare motion and order for extension of time to respond to motion to dismiss;	1.80 hrs	270.00
04/05/16	KMH	Prepare motion for extension of time;	1.00 hrs	150.00
04/06/16	KMH	Assist with court filing;	0.40 hrs	60.00
04/08/16	LGF	Review order on motion for continuance and calendar new deadline;	0.20 hrs	70.00
04/25/16	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/26/16	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50

062640 Freedom From Religion Foundati

Invoice# 106842 Page 2

04/26/16	LGF	Communications regarding [REDACTED] [REDACTED] draft motion for leave to amend;	0.70 hrs	245.00
04/27/16	DHB	Review motion; memos re: [REDACTED]	0.20 hrs	105.00
04/27/16	LGF	Communications regarding [REDACTED] [REDACTED]	0.20 hrs	70.00
04/28/16	DHB	Initial review of amended complaint, motion for leave;	0.30 hrs	157.50
04/29/16	DHB	Review, finalize, file amended complaint and notice for leave; memos to co-counsel;	0.60 hrs	315.00
				\$2,685.00

FEE RECAP

Byrne, Dan	3.20 hrs	525.00 /hr	1,680.00
Fitzpatrick, Lessie G.	1.50 hrs	350.00 /hr	525.00
Hand, Kathy M.	3.20 hrs	150.00 /hr	480.00
TOTAL FEES FOR THIS MATTER			\$2,685.00

BILLING SUMMARY

Total professional services	\$2,685.00
Total of new charges for this invoice	\$2,685.00
Total balance now due	\$2,685.00

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Fitzpatrick, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhf.com

June 15, 2016

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 107087 DHB
 Our file# 062640 00001
 Billing through 05/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated May 10, 2016	\$2,685.00
Payments received since last invoice	2,685.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

05/10/16	DHB	Memo re: [REDACTED]	0.20 hrs	105.00
05/10/16	LGF	Review scheduling order; calendar deadlines;	0.20 hrs	70.00
05/13/16	DHB	Initial review of motion to dismiss;	0.20 hrs	105.00
05/13/16	LGF	Review First Amended Motion to Dismiss;	0.20 hrs	70.00
05/24/16	DHB	Memo to counsel re: [REDACTED]	0.20 hrs	105.00
05/27/16	DHB	Various memos re: [REDACTED]	0.40 hrs	210.00
05/27/16	LGF	Communications with Richard Bolton;	0.20 hrs	70.00
05/31/16	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50
05/31/16	LGF	Communications regarding [REDACTED]	0.20 hrs	70.00
				<u>\$962.50</u>

FEE RECAP

Byrne, Dan	1.30 hrs	525.00 /hr	682.50
Fitzpatrick, Lessie G.	0.80 hrs	350.00 /hr	280.00
TOTAL FEES FOR THIS MATTER			<u>\$962.50</u>

062640 Freedom From Religion Foundati

Invoice# 107224 Page 2

Fitzpatrick, Lessie G.	0.20 hrs	350.00 /hr	70.00
Roberts, Dale	2.20 hrs	335.00 /hr	737.00
TOTAL FEES FOR THIS MATTER			<u>\$1,752.00</u>

BILLING SUMMARY

Total professional services	<u>\$1,752.00</u>
Total of new charges for this invoice	<u>\$1,752.00</u>
Total balance now due	<u>\$1,752.00</u>

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Fitzpatrick, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhf.com

July 6, 2016

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 107224 DHB
 Our file# 062640 00001
 Billing through 06/30/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 15, 2016	\$962.50
Payments received since last invoice	962.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

06/13/16	DHB	Various memos re: [REDACTED]	0.50 hrs	262.50
06/14/16	DHB	Memo to Richard re: [REDACTED]	0.20 hrs	105.00
06/16/16	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
06/19/16	DHB	Conference with DLR re: [REDACTED]	0.20 hrs	105.00
06/20/16	DHB	Meeting with Richard Bolton re: [REDACTED]	0.50 hrs	262.50
		[REDACTED] conference with DLR re: [REDACTED] (8);		
06/20/16	DLR	Review pleadings and motions. Conference with co-counsel regarding [REDACTED] Attend hearing on motion to dismiss. Email memo to L Fitzpatrick regarding [REDACTED] (3.2).	2.20 hrs	737.00
06/20/16	LGF	Communications with DLR regarding [REDACTED]	0.20 hrs	70.00
06/21/16	DHB	Review dismissal order, follow up;	0.20 hrs	105.00
				<u>\$1,752.00</u>

FEE RECAP

Byrne, Dan	1.80 hrs	525.00 /hr	945.00
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Invoice# 107087 Page 2

BILLING SUMMARY

Total professional services	\$962.50
Total of new charges for this invoice	<u>\$962.50</u>
Total balance now due	<u>\$962.50</u>

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

January 18, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 108666 DHB
 Our file# 062640 00001
 Billing through 12/31/2016

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated July 6, 2016	\$1,752.00
Payments received since last invoice	1,752.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

07/01/16	DHB	Initial review of outgoing discovery, memo to opposing counsel;	0.20 hrs	105.00
12/20/16	LCG	Review order on MSJs;	0.30 hrs	105.00
12/21/16	DHB	Review decision, memos to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$315.00</u>

FEE RECAP

Byrne, Dan	0.40 hrs	525.00 /hr	210.00
Gilstrap, Lessie C.	0.30 hrs	350.00 /hr	105.00
TOTAL FEES FOR THIS MATTER			<u>\$315.00</u>

BILLING SUMMARY

Total professional services	<u>\$315.00</u>
Total of new charges for this invoice	<u>\$315.00</u>
Total balance now due	<u><u>\$315.00</u></u>

Payment due upon receipt. EIN: 742531698

062640 Freedom From Religion Foundati

Invoice# 108666 Page 2

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

February 15, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 108898 DHB
 Our file# 062640 00001
 Billing through 01/31/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated January 18, 2017	\$315.00
Payments received since last invoice	315.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

01/02/17	LCG	Review scheduling order and calendar deadlines;	0.20 hrs	70.00
01/03/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
01/03/17	LCG	Review scheduling order; confer re [REDACTED]	0.20 hrs	70.00
01/19/17	DHB	Various memos to counsel re: [REDACTED]	0.30 hrs	157.50
01/20/17	DHB	Telephone conferences with, memos to counsel re: [REDACTED]	0.20 hrs	105.00
01/25/17	DHB	Memos to counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$612.50</u>

FEE RECAP

Byrne, Dan	0.90 hrs	525.00 /hr	472.50
Gilstrap, Lessie C.	0.40 hrs	350.00 /hr	140.00
TOTAL FEES FOR THIS MATTER			<u>\$612.50</u>

BILLING SUMMARY

Total professional services	\$612.50
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062640 Freedom From Religion Foundati

Invoice# 108898 Page 2

Total of new charges for this invoice

\$612.50

Total balance now due

\$612.50

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

March 14, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 109091 DHB
 Our file# 062640 00001
 Billing through 02/28/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated February 15, 2017	\$612.50
Payments received since last invoice	612.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

02/07/17	DHB	Telephone conferences, memos to co-counsel, opposing counsel re: [REDACTED]	0.30 hrs	157.50
02/15/17	DHB	Memo to opposing counsel re: [REDACTED]	0.20 hrs	105.00
02/17/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
02/26/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
02/27/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
				<u>\$577.50</u>

FEE RECAP

Byrne, Dan	1.10 hrs	525.00 /hr	577.50
TOTAL FEES FOR THIS MATTER			<u>\$577.50</u>

BILLING SUMMARY

Total professional services	<u>\$577.50</u>
Total of new charges for this invoice	<u>\$577.50</u>
Total balance now due	<u>\$577.50</u>

062640 Freedom From Religion Foundati

Invoice# 109091 Page 2

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

May 11, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 109605 DHB
 Our file# 062640 00001
 Billing through 04/30/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 14, 2017	\$577.50
Payments received since last invoice	577.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/27/17	DHB	Initial review and analysis of witness lists other filings, depo lists; investigation re: [REDACTED] memo to counsel;	0.30 hrs	157.50
04/10/17	DHB	Various memos re: [REDACTED] review	0.50 hrs	262.50
04/11/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/13/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/14/17	DHB	Various memos re: [REDACTED]	0.20 hrs	105.00
04/17/17	DHB	Initial review of motion for protective order;	0.20 hrs	105.00
04/20/17	DHB	Review MTQ, memo to Richard re: [REDACTED]	0.20 hrs	105.00
04/21/17	DHB	Review correspondence and filings re: [REDACTED]	0.20 hrs	105.00
04/24/17	CEB	Brief analysis of rule re: [REDACTED] conference with out of state counsel and D. Byrne re: [REDACTED]	0.20 hrs	62.00
04/24/17	DHB	Meetings with Richard Bolton, opposing counsel re: [REDACTED]	2.30 hrs	1,207.50

062640 Freedom From Religion Foundati

Invoice# 109605 Page 2

		[REDACTED]		
		(2.6);		
04/24/17	DLR	Prepare motions to extend time for response to motion for protective order and to extend scheduling order deadlines.	0.80 hrs	268.00
04/24/17	DAH	Draft order granting motion to extend time; file motion and order to extend time; telephone conference with clerk; revise motion and order to reflect corrected date; file corrected motion and order to extend time with court;	0.70 hrs	87.50
04/25/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
04/26/17	DHB	Various memos re: [REDACTED] review, revise draft, compile materials for DLR re: [REDACTED] memos to Richard; review discovery requests;	0.80 hrs	420.00
04/26/17	DLR	Prepare opposed motion to extend scheduling order deadlines. Conference with DHB regarding same. Review history of discovery dispute regarding [REDACTED]	2.20 hrs	737.00
04/27/17	DHB	Review correspondence, further revisions to motion to extend;	0.30 hrs	157.50
04/27/17	DLR	Continued work on motion to extend scheduling order deadlines.	1.70 hrs	569.50
04/28/17	DHB	Various memos to Richard, opposing counsel re: 30b6, motion to extend; revise, finalize, file motions and subpoenas; initial review of new motion to dismiss;	0.80 hrs	420.00
04/28/17	DLR	Review topics of testimony for 30(b)(6) deposition. Prepare subpoena and finalize notice for service. Email to AG regarding subpoena and deposition.	0.90 hrs	301.50
04/28/17	DAH	Draft subpoena;	0.30 hrs	37.50
				<u>\$5,423.00</u>

FEE RECAP

Byrne, Dan	6.40 hrs	525.00 /hr	3,360.00
Roberts, Dale	5.60 hrs	335.00 /hr	1,876.00
Burgess, Christine	0.20 hrs	310.00 /hr	62.00
Hammer, Dacia A	1.00 hrs	125.00 /hr	125.00
TOTAL FEES FOR THIS MATTER			<u>\$5,423.00</u>

BILLING SUMMARY

Total professional services	\$5,423.00
Professional courtesy discount	\$500.00 CR

062640 Freedom From Religion Foundati

Invoice# 109605 Page 3

Total of new charges for this invoice

\$4,923.00

Total balance now due

\$4,923.00

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

June 15, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 109811 DHB
 Our file# 062640 00001
 Billing through 05/31/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated May 11, 2017	\$4,923.00
Payments received since last invoice	0.00
Accounts receivable balance carried forward	<u>\$4,923.00</u>

PROFESSIONAL SERVICES

05/01/17	DHB	Review recent filing, memo re: [REDACTED]	0.20 hrs	105.00
05/02/17	DHB	Memos re: [REDACTED]	0.20 hrs	105.00
05/04/17	DHB	Review Attorney General materials, memos to counsel re: [REDACTED]	0.30 hrs	157.50
05/05/17	DHB	Further review of motion to dismiss, response to motion to extend, other filings; telephone conference with Richard re: [REDACTED]	0.60 hrs	315.00
05/09/17	DHB	Various memos to Richard, counsel re: [REDACTED]	0.30 hrs	157.50
05/15/17	DHB	Review Sparks order, follow up with Rick Bolton;	0.20 hrs	105.00
05/22/17	DHB	Memos re: [REDACTED] review Abbott reply brief;	0.20 hrs	105.00
05/25/17	DHB	Review clawback notice:	0.20 hrs	N/C
05/26/17	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50
				<u>\$1,207.50</u>

FEE RECAP

Byrne, Dan	2.30 hrs	525.00 /hr	1,207.50
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062640 Freedom From Religion Foundati

Invoice# 109811

Page 2

TOTAL FEES FOR THIS MATTER

\$1,207.50

BILLING SUMMARY

Total professional services	<u>\$1,207.50</u>
Total of new charges for this invoice	<u>\$1,207.50</u>
Plus net balance forward	<u>\$4,923.00</u>
Total balance now due	<u>\$6,130.50</u>

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

August 16, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 110247 DHB
 Our file# 062640 00001
 Billing through 07/31/2017

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 15, 2017	\$6,130.50
Payments received since last invoice	1,207.50
Accounts receivable balance carried forward	<u>\$4,923.00</u>

PROFESSIONAL SERVICES

06/06/17	DHB	Review docket, memo to Richard re: [REDACTED]	0.20 hrs	N/C
07/14/17	DHB	Memo re: [REDACTED]	0.20 hrs	N/C
07/27/17	LCG	Review MSJ;	0.40 hrs	150.00
				<u>\$150.00</u>

FEE RECAP

Gilstrap, Lessie C.	0.40 hrs	375.00 /hr	150.00
TOTAL FEES FOR THIS MATTER			<u>\$150.00</u>

BILLING SUMMARY

Total professional services	<u>\$150.00</u>
Total of new charges for this invoice	\$150.00
Plus net balance forward	\$4,923.00
Total balance now due	<u><u>\$5,073.00</u></u>

Payment due upon receipt. EIN: 742531698

062640 Freedom From Religion Foundati

Invoice# 110247 Page 2

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

November 15, 2017

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 110891 DHB
 Our file# 062640 00001
 Billing through 10/31/2017

Governor Greg Abbott.

rbolton@boardmanclark.com

Balance forward as of invoice dated August 16, 2017	\$5,073.00
Payments received since last invoice	5,073.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

10/13/17	DHB	Review and analysis of SJ and protective order ruling; memo to Richard Bolton;	0.30 hrs	157.50
10/14/17	DHB	Further review and analysis of decision; memo to [REDACTED]	0.30 hrs	157.50
10/16/17	DHB	Research re: [REDACTED]	0.20 hrs	N/C
10/18/17	DHB	Memos to co-counsel re: [REDACTED]	0.20 hrs	105.00
10/24/17	DHB	Various memos re: [REDACTED]	0.30 hrs	157.50
10/26/17	DHB	Various memos to co-counsel re: [REDACTED]	0.20 hrs	105.00
				<u>\$682.50</u>

FEE RECAP

Byrne, Dan	1.30 hrs	525.00 /hr	682.50
TOTAL FEES FOR THIS MATTER			<u>\$682.50</u>

BILLING SUMMARY

062640 Freedom From Religion Foundati

Invoice# 110891 Page 2

Total professional services	\$682.50
Total of new charges for this invoice	<u>\$682.50</u>
Total balance now due	<u>\$682.50</u>

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

March 13, 2018

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 111765 DHB
 Our file# 062640 00001
 Billing through 02/28/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated November 15, 2017	\$682.50
Payments received since last invoice	682.50
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

12/13/17	DHB	Various memos re: [REDACTED] (.3)	0.20 hrs	105.00
12/19/17	DHB	Memo to Richard Bolton; review materials;	0.20 hrs	N/C
				<u>\$105.00</u>

FEE RECAP

Byrne, Dan	0.20 hrs	525.00 /hr	105.00
TOTAL FEES FOR THIS MATTER			<u>\$105.00</u>

BILLING SUMMARY

Total professional services	<u>\$105.00</u>
Total of new charges for this invoice	<u>\$105.00</u>
Total balance now due	<u><u>\$105.00</u></u>

Payment due upon receipt. EIN: 742531698
 Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

June 8, 2018

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 112394 DHB
 Our file# 062640 00001
 Billing through 05/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated March 13, 2018	\$105.00
Payments received since last invoice	105.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

03/14/18	DHB	Memos to Richard Bolton re: [REDACTED]	0.30 hrs	165.00
		[REDACTED] review motions to dismiss and for judgment;		
04/10/18	DHB	Review Sparks denial order, follow up with Richard Bolton;	0.20 hrs	110.00
05/08/18	DHB	Telephone conferences with Richard re: [REDACTED]	0.20 hrs	N/C
05/09/18	DHB	Telephone conferences, memos with Richard Bolton, Aura Madren re: [REDACTED]	0.30 hrs	165.00
				<u>\$440.00</u>

FEE RECAP

Byrne, Dan	0.80 hrs	550.00 /hr	440.00
TOTAL FEES FOR THIS MATTER			<u>\$440.00</u>

BILLING SUMMARY

Total professional services	<u>\$440.00</u>
Total of new charges for this invoice	\$440.00

062640 Freedom From Religion Foundati

Invoice# 112394 Page 2

Total balance now due

\$440.00

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

July 6, 2018

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 112621 DHB
 Our file# 062640 00001
 Billing through 06/30/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated June 8, 2018	\$440.00
Payments received since last invoice	440.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

06/21/18	DHB	Memos re [REDACTED]	0.20 hrs	110.00
06/25/18	DHB	Conference with LCG re: [REDACTED]	0.30 hrs	165.00
06/26/18	LCG	Draft motion for attorney fees; research for same; communications regarding same;	3.70 hrs	1,461.50
06/27/18	LCG	Research issue o [REDACTED] memo to Richard Bolton regarding same;	2.20 hrs	869.00
06/29/18	LCG	Review fee affidavits;	0.30 hrs	118.50
				<u>\$2,724.00</u>

FEE RECAP

Byrne, Dan	0.50 hrs	550.00 /hr	275.00
Gilstrap, Lessie C.	6.20 hrs	395.00 /hr	2,449.00
TOTAL FEES FOR THIS MATTER			<u>\$2,724.00</u>

BILLING SUMMARY

Total professional services	\$2,724.00
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062640 Freedom From Religion Foundati

Invoice# 112621 Page 2

Total of new charges for this invoice

\$2,724.00

Total balance now due

\$2,724.00

Payment due upon receipt. EIN: 742531698

Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

August 14, 2018

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 112844 DHB
 Our file# 062640 00001
 Billing through 07/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated July 6, 2018	\$2,724.00
Payments received since last invoice	2,724.00
Accounts receivable balance carried forward	<u>\$0.00</u>

PROFESSIONAL SERVICES

07/02/18	LCG	Draft [REDACTED] prepare [REDACTED] research for same; communications with Richard Bolton;	3.50 hrs	1,382.50
07/03/18	DHB	Revise, finalize [REDACTED]	0.40 hrs	220.00
07/03/18	LCG	Review, revise, finalize, and file [REDACTED] [REDACTED]	3.40 hrs	1,343.00
07/24/18	DHB	Review motion to stay;	0.20 hrs	N/C
				<u>\$2,945.50</u>

FEE RECAP

Byrne, Dan	0.40 hrs	550.00 /hr	220.00
Gilstrap, Lessie C.	6.90 hrs	395.00 /hr	2,725.50
TOTAL FEES FOR THIS MATTER			<u>\$2,945.50</u>

BILLING SUMMARY

Total professional services	\$2,945.50
Professional courtesy discount	\$500.00 CR
Total of new charges for this invoice	<u>\$2,445.50</u>

062640 Freedom From Religion Foundati

Invoice# 112844 Page 2

Total balance now due

\$2,445.50

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www fbhg.law

September 11, 2018

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 113075 DHB
 Our file# 062640 00001
 Billing through 08/31/2018

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated August 14, 2018	\$2,445.50
Payments received since last invoice	0.00
Accounts receivable balance carried forward	<u>\$2,445.50</u>

PROFESSIONAL SERVICES

08/13/18	LCG	Review correspondence from court of appeals; communications with Richard Bolton;	0.20 hrs	79.00
				<u>\$79.00</u>

FEE RECAP

Gilstrap, Lessie C.	0.20 hrs	395.00 /hr	79.00
TOTAL FEES FOR THIS MATTER			<u>\$79.00</u>

BILLING SUMMARY

Total professional services	<u>\$79.00</u>
Total of new charges for this invoice	<u>\$79.00</u>
Plus net balance forward	<u>\$2,445.50</u>
Total balance now due	<u>\$2,524.50</u>

Payment due upon receipt. EIN: 742531698
 Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
Austin, TX 78701
Phone 512/476-2020 Fax 512/477-5267
www fbhg.law

November 8, 2019

Freedom From Religion Foundation
c/o Richard L. Bolton
Boardman & Clark, LLP
1 S. Pinckney Street, Suite 410
P.O. Box 927
Madison, WI 53701-0927

Invoice# 115939 DHB
Our file# 062640 00001
Billing through 10/31/2019

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated September 11, 2018	\$2,524.50
Payments received since last invoice	2,524.50
Accounts receivable balance carried forward	<hr/> \$0.00

BILLING SUMMARY

Total of new charges for this invoice	<hr/> \$0.00
Total balance now due	<hr/> \$0.00 <hr/>

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
 Austin, TX 78701
 Phone 512/476-2020 Fax 512/477-5267
 www.fbhg.law

October 8, 2020

Freedom From Religion Foundation
 c/o Richard L. Bolton
 Boardman & Clark, LLP
 1 S. Pinckney Street, Suite 410
 P.O. Box 927
 Madison, WI 53701-0927

Invoice# 118241 DHB
 Our file# 062640 00001
 Billing through 09/30/2020

Governor Greg Abbott

rbolton@boardmanclark.com

PROFESSIONAL SERVICES

06/01/20	DHB	Initial review of 5th Circuit mandate; memo to Richard Bolton;	0.30 hrs	165.00
06/16/20	DHB	Review order, follow up memos and telephone conference with Richard;	0.20 hrs	110.00
07/02/20	DHB	Memos to team re: [REDACTED] review filings, order;	0.20 hrs	110.00
08/27/20	DHB	Review orders re: reassignment, follow up with Richard Bolton re: [REDACTED]	0.20 hrs	110.00
09/17/20	DHB	Memo to Richard Bolton re: [REDACTED]	0.20 hrs	N/C
09/18/20	DHB	Review order, attend status hearing (.3);	0.20 hrs	110.00
				<u>\$605.00</u>

FEE RECAP

Byrne, Dan H.	1.10 hrs	550.00 /hr	605.00
TOTAL FEES FOR THIS MATTER			<u>\$605.00</u>

BILLING SUMMARY

Total professional services	\$605.00
Professional courtesy discount	\$200.00 CR
Total of new charges for this invoice	<u>\$405.00</u>
Total balance now due	<u>\$405.00</u>

062640 Freedom From Religion Foundati

Invoice# 118241 Page 2

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.

Fritz, Byrne, Head & Gilstrap, PLLC

221 West Sixth Street, Suite 960
Austin, TX 78701
Phone 512/476-2020 Fax 512/477-5267
www fbhg.law

May 5, 2021

Freedom From Religion Foundation
c/o Richard L. Bolton
Boardman & Clark, LLP
1 S. Pinckney Street, Suite 410
P.O. Box 927
Madison, WI 53701-0927

Invoice# 119591 DHB
Our file# 062640 00001
Billing through 04/30/2021

Governor Greg Abbott

rbolton@boardmanclark.com

Balance forward as of invoice dated	October 8, 2020	\$405.00
Payments received since last invoice		0.00
Accounts receivable balance carried forward		<hr/> \$405.00

03/09/21	DHB	Review Yeakel order, initial review of		0.20 hrs	N/C
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BILLING SUMMARY

Total of new charges for this invoice	<hr/> \$0.00
Plus net balance forward	\$405.00
Total balance now due	<hr/> \$405.00 <hr/>

Payment due upon receipt. EIN: 742531698
Include invoice number on your check for proper credit.